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Via E-mail

Hon. Richard M. Gergel
United States District Judge
P.O. Box 835
Charleston, South Carolina 29402

Re: United States v. Dylann Storm Roof
No. 15CR472

Dear Judge Gergel:

In Docket No. 718, our Eighth Amendment Objection to Permitting Defendant to Proceed Pro Se in Capital Trial and to Waive Mitigation, I cited *State v. McGill*, 213 Ariz. 147, 158-59 (2006), in error. That case does not, as the parenthetical says, hold that “the Arizona constitution limited a defendant’s right to self-representation in capital sentencing.”

McGill should have been cited only for the proposition, at p. 159 of the opinion, that Arizona’s constitution does not require application of the Confrontation Clause at the penalty phase, because “the penalty phase is not a criminal prosecution,” and “the sentencing body requires complete information to make its determination.” There is a lengthy footnote regarding confrontation at p. 159 n.7. *See also United States v. Umana*, 750 F.3d 320, 346-48 (4th Cir. 2014). This is indirect, rather than direct, support for our argument.

I regret my mistake.

Sincerely,

/s Sarah S. Gannett
Assistant Federal Public Defender
District of Arizona

Standby Counsel for Dylann Storm Roof